

REMARKS

Amendment to Claim 7

Claims 7 and 13 were previously found allowable. Claims 7 and 13 have now been amended to correct typographical errors. Applicant respectfully request entry of the amendments to claims 7 and 13.

Claim Rejections 35 U.S.C. §112

In the Office Action, claims 14-18 and 20 were rejected under 35 U.S.C. §112 second paragraph, as being indefinite.

Claim 14 has been amended to provide clarity to the claim. Applicant, therefore, respectfully requests that the Examiner withdraw his objection of claim 14 under 35 U.S.C. §112.

Claim Rejections 35 U.S.C. § 103

In the Office Action, claims 14-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,765,606 to Takemasa et al. in view of United States Patent No. 4,490,963 to Knudsen.

As noted above, claim 14 has been amended to clarify that motion is provided between the funnel and the product package. Applicant's invention is directed to method for filling solid pharmaceutical product packaging by automatically selectively dispensing one or more solid pharmaceutical products from a plurality of different drug sources into the common funnel. Advantageously, the funnel is moved relative to the product package template cavities in two dimensions or directions of motion such that the funnel is selectively located above desired cavities. See page 4, lines 5-7. The motion provided by Applicant's

invention advantageously allows each individual cavity to be selectively filled with one or more solid pharmaceutical products in accordance with a particular prescription. Thus, if desired, Applicant's invention allows for each cavity to be filled with a different product or a different quantity of products than an adjacent cavity.

In finding Applicant's invention obvious over Takemasa in view of Knudsen, the Examiner finds that Takemasa teaches all of the limitations of the claim with the exception of the limitation "providing a product package cavity having a plurality of cavities arranged in or in array having rows and columns". Applicant, however, disagrees with the Examiner's assertions as to the teachings of Takemasa. In particular, on pages 2-3 of the April 11, 2006 Office Action the Examiner states that:

"Takemasa discloses a method of filling solid pharmaceutical product packaging comprising the steps of . . . **automatically effecting relative motion in at least two direction of motions (via funnel 33 is automatically rotatable, which cold (sic) be considered as on motion in two directions) to selectively locate the funnel (33) at locations corresponding to individual ones of the cavities (via V) ... (emphasis added)**

Applicant asserts, however, that Takemasa does not teach "... automatically effecting relative motion... to selectively locate the funnel at locations corresponding to individual ones of the cavities..." as required by claim 14. Rather, as described at column 6, lines 21-column 7, line 24, Takemasa provides the following description as to its operation:

medications are dropped one by one as previously mentioned and the dropped medications are received by the turntable 16. . . the medications dropped onto the turntable 16 are collected and moved to the guide 21 . . . the microprocessor 45 selects an empty holder 33, drives the holder motor 39 to rotate the holder unit 31 and positions the empty holder 33 under the dispensing port 22 of the guide 21 . . the microprocessor 45 swings the shutter 23 outward . . . to release the dispensing port 22 . . . when the dispensing port 22 is released, the medications aligned against the inner circumferential wall of the guide 21 are collected at the dispensing port 22 . . . and moved into the holder 33. . . the operator attaches a bar code label L, which carries the barcode indicating one type of the medications specified by the dispense data, to the side face of a vial. . . when the container is inserted into the filling section 3B through the inserting opening 6 of

medication filling apparatus 1, the bar code on the bar code label L is read through the barcode reader 42 . . . the microprocessor 45 decides whether the holder 33 has been filled with a particular type of medication . . . when the specified type of medications are charged in the holder 33 . . . the microprocessor 45 selects t of he holder 33 filled with the medications, drives the holder motor 39 to rotate the holder unit 31, and positions the holder 33 at the inserting opening 6. . . the port of a vial V is positioned under the outlet 33B of the holder 33 and the cover 36 is opened by the handle 37 to fill a vial V with the specified type medications for the holder 33 . . .

Thus, no motion between a funnel and a product package cavity is taught by Takemasa. Rather, the motion of Takemasa is rotational motion of the holder unit 31 relative to the opening 6. Even if one were to assume that the vial V of Takemasa is equivalent to the cavities of Applicant's invention (which the Examiner acknowledges is not the case), the motion of the funnels 33 in Takemasa has nothing to do with the location of the vials V. No attempt is made by Takemasa to align the funnels 33 with the vial V and, in fact, the vial V is not in the vicinity of the funnel 33 until after the funnel 33 is positioned. It is only after the funnel 33 is positioned into the opening 6 that the vial V is **manually** aligned with the funnel 33. Therefore, in addition to failing to teach motion between the funnel and the product package cavities, Takemasa also fails to teach **automatic** motion. Any alignment between the vial V and the funnel 33 is manually performed by a user mounting the vial to the funnel 33. After manual alignment by the user, the medications are dispensed into the vial V when the cover is opened. Thus, Takemasa does not teach the claim limitation "automatically effecting relative motion in at least two directions between said common funnel and said product package to selectively locate the funnel" as asserted by the Examiner. In light of the Examiner's mischaracterization of Takemasa, the Examiner's rejection of claim 14 is improper.

The Examiner further asserts that although Takemasa does not disclose a product package having a plurality of cavities arranged in an array having rows and columns, Knudsen discloses such a product package and therefore it would have been obvious to one

of skill in the art to modify Takemasa's method by using the product package of Knudsen. Applicant asserts however that such a modification is not obvious. Even if one was to assume that relative motion were provided between the funnels 33 and the package cavities, the motion taught by Takemasa is rotational and therefore alignment between the funnels 33 and package cavities would require cavities arranged in a circle. Any attempt to place pharmaceuticals in a package having cavities arranged in array using the apparatus of Takemasa was at the very least be difficult and cumbersome and would certainly not be obvious.

Applicant asserts, therefore, that the invention of claim 14 is neither anticipated nor obvious over Takemasa in view of Knudsen. Accordingly, Applicants request that the rejection be withdrawn and amended claim 14 be found allowable.

Claims 15-18 and 20 depend from claim 14. Applicant asserts that because amended claim 14 is allowable, claims 15-18 and 20 are also allowable. Applicant respectfully requests reconsideration and allowance of claims 15-18 and 20.

Allowed Claims

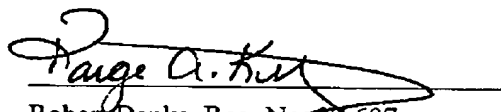
Applicant thanks the Examiner for the indication of allowance with respect to claims 7-13 and 19.

Applicant asserts that the claims of the application are allowable over the references cited by the Examiner. Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the

undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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